

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 2:19-cv-01319-PP

TODD DYER

Defendant.

**DEFENDANT'S MOTION FOR PERMISSION
TO CONDUCT A DEPOSITION OF WITNESS**

Defendant, TODD DYER, moving specially through his attorney, ROBERT J. PENEGOR, submit this motion, pursuant to Rule 32(a)(4)(B) and (C) of the Federal Rules of Civil Procedure for permission to conduct the deposition of Father Mel Krumdick to preserve his testimony for the upcoming hearing or in the alternative to allow Father Krumdick to appear for the hearing via video.

As grounds for this motion, Dyer states:

1. That the defendant may name Father Mel Krumdick as a witness for the upcoming hearing. That Father Krumdick lives in Oak Park, Illinois, approximately 100 miles away.
2. That as of today's date, the hearing has not been scheduled.
3. That on or about June 22, 2021, undersigned counsel traveled to Illinois to meet with Father Krumdick. At that time, undersigned counsel observed the frail condition of Father Krumdick and Father Krumdick informed counsel of health issues that he is dealing with.

4. That the defendant believes that Father Krumdick has knowledge of relevant and material facts and that his testimony is necessary to help the defense by offering testimony to support that the defendant's actions were for a legitimate purpose.

5. That undersigned counsel contacted the Attorneys for the Plaintiff to schedule a date and time to conduct said deposition.

6. That at this time, the Government is objecting to scheduling a deposition of the witness.

7. That the defendant is requesting the Court enter an Order granting permission for the defendant to schedule Father Mel Krumdick's deposition.

8. That defendant makes this request to preserve the witness's testimony for the upcoming hearing.

9. That in the alternative, defendant is requesting that Father Mel Krumdick may testify at the hearing via zoom due to reasons listed above.

Dated this 27th day September 2021.

Penegor & Lowenberg Law Offices

/s/ Robert J. Penegor

BY: ROBERT J. PENEGOR
State Bar No. 1010979
Attorney for Defendant, Todd Dyer
16655 West Bluemound Road, Suite 270
Brookfield, WI 53005
(262) 786-3522
Email: robert@penegorlaw.com